

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ARISE FOR SOCIAL JUSTICE; *¿OISTE?*;
NEW ENGLAND STATE-AREA
CONFERENCE OF THE NAACP; REV.
TALBERT W. SWAN II; NORMAN W.
OLIVER; DARLENE ANDERSON;
GUMERSINDO GOMEZ; FRANK BUNTIN;
RAFAEL RODRIQUEZ; AND DIANA
NURSE,

Plaintiffs,

v.

CITY OF SPRINGFIELD and SPRINGFIELD
ELECTION COMMISSION,

Defendants

Civil Action No. 05-30080 MAP

**PLAINTIFFS' MOTION FOR LEAVE
TO FILE MEMORANDUM IN EXCESS OF TWENTY PAGES**

Pursuant to Local Rule 7.1(b)(4), plaintiffs respectfully request leave to file their *Memorandum in Support of Plaintiffs' Motion for A Preliminary Injunction*, which exceeds twenty pages. Plaintiffs' brief is approximately 43 pages long. In support of this motion, plaintiffs state as follows:

(1) Plaintiffs have brought suit under the Voting Rights Act and the United States Constitution seeking injunctive relief and a declaratory judgment that the City of Springfield's at-large election system for electing its City Council and School Committee unlawfully and discriminatorily dilutes the voting power of Hispanic and Black/African-American voters. All members of Springfield's City Council and School Committee are chosen in winner-take-all, at-large elections. Complaint ¶¶ 21, 27. Despite substantial growth in Springfield's population of

color, which now constitutes over half of the City's total population and nearly half of its voting-age population, the at-large election system prevents voters of color from equal participation in the political process. The consistent result is that predominantly white candidates from certain neighborhoods with the largest number of white voters are elected. Complaint ¶ 1.

(2) Plaintiffs have moved for preliminary injunctive relief in advance of the upcoming November elections. In addition to their memorandum of law, plaintiffs have submitted twelve (12) affidavits, including expert affidavits, and five (5) volumes of supporting documentary evidence.

(3) In addition to establishing the three principal elements of a Section 2 violation -- the "Gingles factors" -- plaintiffs' memorandum of law contains a detailed account of the "totality of the circumstances" factors that further establish that the at-large system denies and/or abridges plaintiffs' right to vote on account of race or color. 42 U.S.C. § 1973(a). Additional pages are necessary to permit a complete and effective presentation of the evidence that supports plaintiffs' application for preliminary injunctive relief.

(4) This is a complex case that raises questions of great importance for the City of Springfield and its residents, including (i) protection of the right to vote, (ii) discrimination and (iii) city governance. Plaintiffs respectfully submit that their memorandum will assist the Court in conducting the "intensely local appraisal of the design and impact of the [at large system] in the light of past and present reality, political and otherwise" contemplated by the Supreme Court in *Thornburg v. Gingles*, 478 U.S. 30, 78 (1986).

WHEREFORE, plaintiffs request that this Motion be allowed and that the Court grant them leave to file a memorandum in excess of 20 pages.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

The undersigned hereby certify that on July 15, 2005, they conferred with counsel for defendants in a good faith effort to resolve or narrow the issues presented by this motion, but were unable to reach agreement.

Dated: July 15, 2005

Respectfully submitted,

ARISE FOR SOCIAL JUSTICE; *l*OISTE?; NEW ENGLAND STATE-AREA CONFERENCE OF THE NAACP; REV. TALBERT W. SWAN II; NORMAN W. OLIVER; DARLENE ANDERSON; GUMERSINDO GOMEZ; FRANK BUNTIN; RAFAEL RODRIQUEZ; AND DIANA NURSE,

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